

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

WJ

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,

v.

RICHARD M. SCRUSHY,

Defendant.

Case No. CR-03-BE-0530-S

**MOTION OF THE UNITED STATES
TO UNSEAL AFFIDAVIT OF CHARLES A. TRAYWICK**

Comes now the United States of America, by and through its counsel, Alice H. Martin, United States Attorney for the Northern District of Alabama, and James D. Ingram, Assistant United States Attorney for this district, and moves this Court to unseal the affidavit of Charles A. Traywick, which was submitted in support of the Government's application for a post-indictment restraining order on November 3, 2003. As grounds therefor, the Government states as follows:

1. The affidavit of Charles A. Traywick, Special Agent, Internal Revenue Service-Criminal Investigation (IRS-CI) (hereafter "the affidavit"), was sealed upon order of this Court on November 3, 2003, along with other related documents, prior to the arrest of defendant Richard M. Scrushy.

2. That the Government wishes to release the affidavit to defense counsel for the purpose of addressing issues related to the restraint of certain assets in this case.

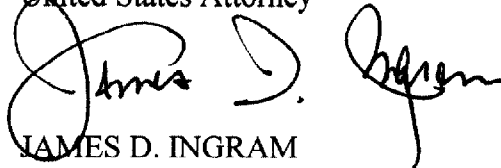
3. That for financial privacy concerns, the Government will provide defense counsel with a complete copy of the affidavit and also make available to the clerk of court a *redacted* copy of the same affidavit (by concealing all financial institution account numbers) for the court file that may be viewed by the public.

4. That Arthur W. Leach, Esquire, co-counsel for defendant Richard M. Scrushy, has requested a copy of the affidavit and is in support of the foregoing motion.

Wherefore, for the foregoing reasons the Government requests this Court to unseal the affidavit of Charles A. Traywick for the purpose of providing defense counsel a complete copy of said affidavit and the clerk of court with a redacted copy of same for the court file in this action.

Respectfully submitted this 24th day of November, 2003.

ALICE H. MARTIN
United States Attorney

A handwritten signature in black ink, appearing to read "James D. Ingram", is written over the printed name and title of James D. Ingram.

JAMES D. INGRAM
Assistant United States Attorney
1801 Fourth Avenue North
Birmingham, Alabama 35203
(205) 244-2130

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following by telephone facsimile on this 24th day of November, 2003:

Arthur W. Leach, Esquire
2310 Marin Drive
Birmingham, Alabama 34243

A handwritten signature in black ink, appearing to read "James D. Ingram", is written over a horizontal line.

JAMES D. INGRAM
Assistant United States Attorney
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(205) 244-2130